

### Remarks

Reconsideration and allowance of the above identified application is respectfully requested.

In the Office Action dated 6/23/2004 the Examiner rejected all of the pending claims 1-6 under 35 USC 112, first paragraph, as not enabled. The Office Action has been carefully considered and the above amendment is presented in an effort to advance prosecution of the application.

The Examiner contends that there is no description in the specification that "describes the structure that creates the curvature of the picking gap." Further, the Examiner contends that there is "no significant structural difference" with the disclosure of US2003/0079458.

Applicant has provided a new, more descriptive Title and has amended paragraph 0011 as suggested by the Examiner.

Applicant has amended Claims 1-3 to more specifically distinguish that the picking gap 18 is "curved in an arc-like fashion around the rotational axis of the gathering element" 12, as stated in paragraph 0004, as originally filed, for example and as shown in Figure 1.

Specifically with reference to Figure 1, Claim 1 now specifies that a gathering and picking device 10 includes:

a gathering element 12, which is rotated about an approximately vertical rotational axis and is arranged to grasp plant stalks;

a picking gap 18 having an effective length (the arc portion shown as a dotted outline in Figure 1), wherein the plant stalks are transported along the picking gap by the gathering element 12; and

the picking gap is curved along the effective length such that the effective length of the picking gap is an essentially constant distance (the circular arc portion of dotted outline 18) from the rotational axis of the gathering element.

Thus, claims 1-6 are believed to be fully enabled by the original specification as filed and are therefore believed to be allowable. Applicant further submits that the claims as now presented do not include new matter since they contain only a description of the subject matter disclosed in the original application.

It is therefore believed that the rejection of all the claims should be withdrawn and that this application is in condition for allowance. Such allowance is respectfully

requested.

Any fees or charges due as a result of filing of the present communication may be charged against Deposit Account 04-0525.

Respectfully,

  
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